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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,570

12/21/2004

Ralf Kohler

PD020056

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7590
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11/24/2009

EXAMINER

NOONAN, WILLOW W

ART UNIT

PAPER NUMBER

2446

MAIL DATE

DELIVERY MODE

11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/518,570	Applicant(s) KOHLER, RALF	
	Examiner Willow Noonan	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The instant application having Application No. 10/518,570 has a total of 12 claims pending in the application; there is 1 independent claim and 11 dependent claims, all of which are ready for examination by the examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/2009 has been entered.

Response to Arguments

3. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

4. Applicant's arguments filed 2/11/2009 have been fully considered but they are not persuasive.

Applicant first argues that Bouret does not teach searching for the requested data from at least one data provider in the external network. However, Bouret does teach searching for the requested data from at least one data provider in the external network. See Bouret at p. 2, paragraph 18 (“requesting for a service from the interface entity for use by one of said clients, processing the request by the interface entity to find a matching service from the registered services”). Applicant contends that the disclosed invention searches service providers more directly; however, this limitation does not appear in the claims.

Applicant next argues that Bouret does not teach the module receiving data or metadata from an external service and making it available to devices on the home network. However, Bouret teaches a response from the external service. See Bouret at p. 5, paragraph 55 (“An application may be executed in the service provider entity (i.e. one of the service providers 11 to 13) and a response is provided to the client from the service provider entity. The response may be communicated via the network.”). When combined with Akatsu’s module, the response would be received from the external network, converted/formatted, and provided to the client. See Akatsu at col. 3, lines 40-50; Akatsu at col. 9, lines 33-51.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "gradually evaluating" in claim 1 is a relative term which renders the claim indefinite. The term "gradually evaluating" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 through 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Akatsu** (U.S. Patent No. 6505255) in view of **Bouret** (U.S. Patent App. Pub. No 2002/0101879).

Regarding claim 1, Akatsu teaches a module for search and integration of data for devices in a home network (Fig. 5, 504), the home network having a plurality of individual devices which are connected to one another and communicate among one another via one or more protocols defined for the home network (Fig. 5, 508, 512, 524, etc.), the home network having at least one connecting device (Fig. 5, 504) which allows

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communication between the home network, and the external network. See Akatsu, *Abstract*. Akatsu teaches the module being able to receive requests for data of the external network from at least one device not capable of independently requesting data of the external network, the request being in a format according to the one or more protocols defined for the home network. See Akatsu at col. 3, lines 40-50; Akatsu at col. 9, lines 33-51.

Akatsu does not explicitly teach that said module is able to receive information about external services and has a search unit for making this data available to devices on the home network. However, Bouret does teach a network interface unit that performs the interfacing between external and internal networks, making external services available to all terminals on the internal network. See Bouret at p. 2, paragraph 18 (“According to one aspect of the present invention, there is provided a method for providing services for clients associated with a data communication network, said services being provided by at least one external service provider”). Bouret teaches a search module for searching the availability of specific data at the providers in the external network. See Bouret at p. 2, paragraph 18 (“requesting for a service from the interface entity for use by one of said clients, processing the request by the interface entity to find a matching service from the registered services”).

Bouret teaches gradually evaluating content descriptions. See Bouret at p. 4, paragraph 40 (“In a preferred operation model the service discovery interface is always in an active state. That is, the interface may receive broadcast service advertisements at any time. However, it is also possible to restrict the active time periods and/or to

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selectively switch the discovery interface between `on` and `off` modes in accordance with the needs of the operator.”). Bouret teaches comparing the content descriptions with the requested data, and when a match is found between a content description and at least one data provider in the external network and the requested data, receiving the requested data and making it available to a client device. See Bouret at p. 5, paragraphs 54-55 (“The step of finding a matching service is initiated by a request from a client for a service. The request may include an identity for the requested service or the request may specify properties for desired service, such as purpose and/or price of the service and so on. . . . When the matching has been performed, there exist several options for the manner how the client may use the service.”).

It would have been obvious to one of ordinary skill to combine Bouret’s teachings with Akatsu’s system because Bouret teaches that the disclosed invention allows network operators to easily provide a wide variety of different services without being requires to generate and/or maintain these services. See Bouret at p.2, paragraph 22.

Regarding claims 2, 3, and 6, Akatsu also teaches that the module can convert data of the external network into a format which corresponds to the format used on the internal network and vice versa. See Akatsu, *Abstract*.

Regarding claim 5, Akatsu discloses that the module communicates with the devices of the home network using a protocol of the home network. See Akatsu at col. 3, lines 35-50.

Regarding claim 7, Akatsu further teaches that a node on the network may use a memory to store data being transferred. See Akatsu at col. 5, lines 6-13.

Regarding claim 8, Akatsu teaches that the external network can be the internet.
See Akatsu at col. 10, lines 19-27.

Regarding claim 9, Akatsu further teaches that the data can be text, audio, or video data. See Akatsu at col. 7, lines 44-59.

Regarding claim 10, Akatsu further teaches that the module communicates with the devices of the home network via a data bus. See Akatsu at fig. 5 (568).

Regarding claim 11, Bouret teaches that the module can be integrated into the connecting device. See Bouret at p.3, paragraph 37 ("The framework 2 is preferably adapted to provide interface functions such as service availability broadcasting, service lookup, service discovery, authentication capability, billing and charging capability, firewall, gateway and so on").

Regarding claim 12, Akatsu teaches that the module is able to receive and process data from the external network and send data from the home network into the external network, See Akatsu, *Abstract*; *id.* at fig. 23.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akatsu in view of **Bouret** and **official notice**.

Regarding claim 4, Akatsu and Bouret do not teach that the module is updatable. However, it would have been obvious to one of ordinary skill in the art to make the module updatable because it is desirable to make devices updatable so that new functionality can be added after deployment.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571)270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Willow Noonan/
Examiner, Art Unit 2446

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446